

**COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET  
FILE NO. BFA-24933-042  
PERMIT NO. 836-5272  
NONCOMPLIANCE NO. 41-2025  
FAILURE TO ABATE CESSATION ORDER NO. 04-0938**

NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET,

PLAINTIFF,

VS.

SECRETARY'S ORDER

EDCO ENERGY CORPORATION  
and  
BANK ONE PIKEVILLE,

DEFENDANT.

\* \* \* \* \*

THIS MATTER being before the Secretary upon the Report and Recommended Order of James L. Dickinson, Hearing Officer, and the Secretary having considered said Report and Recommendation, and any exceptions and responses filed thereto, and being sufficiently advised,

**IT IS HEREBY ORDERED AND ADJUDGED** as follows:

1. The Hearing Officer's Report and Recommended Order filed in the Record on [1/30/01], 2001, is ADOPTED and incorporated by reference herein, as if set forth verbatim.

2. The Cabinet's Administrative Complaint is DISMISSED without prejudice.

3. This is a FINAL and APPEALABLE Order.

ENTERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2001.

NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET

\_//s// [3/2/01]\_\_\_\_\_  
JAMES E. BICKFORD, SECRETARY

## **APPEAL RIGHTS**

**In accordance with the provisions of KRS 350.0305 and KRS 350.032, any person or party aggrieved by a Final Order of the Secretary resulting from a hearing may obtain a review of the Final Order by filing in Circuit Court a Petition for Review. Such Petition must be filed within thirty (30) days after the entry or rendition of the Final Order, and a copy of the Petition must be served upon the Cabinet.**

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing SECRETARY'S ORDER was, on this \_\_\_\_\_ day of \_\_\_\_\_, 2001, mailed by first-class mail, postage prepaid to:

EDCO ENERGY CORPORATION  
PO BOX 891  
MARTIN KY 41649

EDCO ENERGY CORPORATION  
ROBERT J PATTON AGENT  
111 E COURT ST  
PRESTONSBURG KY 41653

BANK ONE PIKEVILLE  
334 MAIN STREET  
PIKEVILLE KY 41501

HON ROY F LAYMAN  
CAMPBELL WOODS EMERSON  
McNEER & HERNDON PLLC  
517 NINTH STREET STE 1000  
PO BOX 1835  
HUNTINGTON WV 25719

and hand-delivered to:

Hon. JOHNNA N. CHAFFIN  
Natural Resources and  
Environmental Protection Cabinet  
Office of Legal Services  
Fifth Floor, Capital Plaza Tower  
Frankfort, KY 40601.

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DOCKET COORDINATOR

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**COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES AND  
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FILE NO. BFA-24933-042  
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NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET,

PLAINTIFF,

VS.

HEARING OFFICER'S REPORT  
AND  
RECOMMENDED SECRETARY'S ORDER

EDCO ENERGY CORPORATION  
and  
BANK ONE PIKEVILLE,,

DEFENDANT.

\* \* \* \* \*

The Plaintiff, Natural Resources and Environmental Protection Cabinet, having filed an unopposed Motion to Withdraw its Administrative Complaint on the grounds that the violations cited in the above styled Notice of Non-Compliance and Cessation Order have been abated and thus, at this time there was no basis for seeking a Bond Forfeiture; and the Hearing Officer being sufficiently advised,

IT IS HEREBY RECOMMENDED that the Secretary sign the attached Order dismissing the Cabinet's Administrative Complaint without prejudice.

So RECOMMENDED this the \_\_\_\_ day of \_\_\_\_\_, 2001.

\_//s// [1/30/01]\_\_\_\_\_  
JAMES L. DICKINSON  
HEARING OFFICER

OFFICE OF ADMINISTRATIVE HEARINGS  
**RIGHT TO FILE EXCEPTIONS**

Pursuant to KRS 350.0301, any party may file Exceptions to this Report and Recommendation within fourteen days of service of this Report. Any party may submit a written response to the Exceptions within twenty-one (21) days of service of the Report and Recommended Order. Thereafter, the matter shall stand submitted to the Secretary, who shall consider the Report, any Exceptions and Responses, and the Recommended Order and decide the case

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing HEARING OFFICER'S REPORT AND RECOMMENDED SECRETARY'S ORDER was, on this \_\_\_\_\_ day of \_\_\_\_\_, 2001, mailed by first-class mail, postage prepaid to:

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